

Application No.: 10/780,137
Amendment and Response dated February 20, 2007
Reply to Office Action of October 18, 2006
Docket No.: 744-53
Page 4

Remarks

The application has been amended. Claims 4, 6, 8, 9, 11-14 and 17-19 have been canceled and claims 5, 10 and 15 have been amended. In particular, claim 15 has been rewritten so as to be in independent form, and to include all the limitations of canceled claim 8 from which it depended. Claim 5 has been amended to recite that the scaffold is combined with the composition of claim 15. Finally, claim 10 has been amended to depend on claim 16 (which depends on claim 15).

Allowable Subject Matter

The Examiner has indicated that claim 15 is free of the prior art. Applicants wish to thank the Examiner for this indication. Claim 15 is only objected to for being dependent from a rejected independent claim. Applicants have rewritten claim 15 to be in independent form and to include all the limitations of claim 8 (now canceled).

With respect to claims 10 and 16, these claims depend either directly or indirectly from claim 15, which was found to be free of the prior art. Therefore, Applicants submit that claims 10 and 16 are similarly free of the prior art.

Amended claim 5 is directed to a method of preparing a complex drug delivery composition. The method includes providing a scaffold and combining the scaffold with the composition of claim 15 so that the complex drug delivery composition is produced. Since the composition of claim 15 was found to be free of the prior art, Applicants submit that amended claim 5 is similarly free of the prior art and allowable in form.

Application No.: 10/780,137
Amendment and Response dated February 20, 2007
Reply to Office Action of October 18, 2006
Docket No.: 744-53
Page 5

Claim Rejections Under 35 U.S.C. §102(b)

The Examiner has maintained the rejection of claims 4-6 and has also rejected claims 8-10 and 13-14 under 35 U.S.C. §102(b) as allegedly being anticipated by Trouet, et al. (WO 01/91798, 2001).

In an effort to advance prosecution of the present application, Applicants have canceled claims 4, 6, 8, 9 and 13-14, thereby obviating the rejection of these claims. Applicants have amended claim 5 to recite that the scaffold is combined with the composition of claim 15. Applicants have also amended claim 10 to depend indirectly from claim 15. The Examiner has found claim 15 to be free of the prior art. In view of the amendments to claims 5 and 10, Applicants respectfully request a withdrawal of these rejections.

Claim Rejections under 35 U.S.C §103(a)

The Examiner has rejected claims 4-6 and 8-12 as allegedly being unpatentable over Pechar, et al. (Bioconjugate Chemistry 2000; 11:131-139) in view of Chatzistamou, et al. (Clinical Cancer Research 2000; 6:4158-4165).

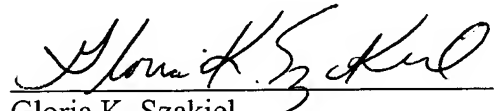
In an effort to advance prosecution of the present application, Applicants have canceled claims 4, 6, 8, 9, 11 and 12, thereby obviating the rejection of these claims. Claim 5 has been amended to recite that the scaffold is combined with the composition of claim 15. Applicants have also amended claim 10 to depend indirectly from claim 15. The Examiner has found claim 15 to be free of the prior art. In view of the amendments to claims 5 and 10, Applicants respectfully request a withdrawal of these rejections.

Application No.: 10/780,137
Amendment and Response dated February 20, 2007
Reply to Office Action of October 18, 2006
Docket No.: 744-53
Page 6

Summary

Applicants submit that the claims as submitted are patentably distinct over the art and allowable in form, and an allowance of the claims is respectfully solicited. Should the Examiner have any questions regarding this response, the Examiner is encouraged to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Gloria K. Szakiel", written over a horizontal line.

Gloria K. Szakiel
Registration No.: 45,149
Agent for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(973) 331-1700